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Compilation on Romania

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1]–[2]

2. It was recommended that Romania consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[3] the International Convention for the Protection of All Persons from Enforced Disappearance,[4] the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,[5] the Optional Protocol to the Convention on the Rights of Persons with Disabilities,[6] and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.[7]

3. The Committee on the Elimination of Discrimination against Women encouraged Romania to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[8]

4. The Committee against Torture recommended that Romania consider making the declarations envisaged under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in order to recognize the competence of the Committee to receive and consider communications.[9]

III. National human rights framework[10]

5. The Committee on Economic, Social and Cultural Rights noted that the areas of competence of the various institutions and bodies promoting and protecting human rights and combating discrimination, particularly the Institute for Human Rights, the Office of the

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Ombudsman and the National Council for Combating Discrimination, overlapped, which reduced their effectiveness in terms of their mandates and resources.[11]

6. The same Committee was concerned that the Institute for Human Rights did not fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[12] In 2017, the Committee on the Elimination of Discrimination against Women noted with concern that, notwithstanding the commitment undertaken during its universal periodic review, Romania had not yet amended its legislation to review the status and effectiveness of the Institute. It encouraged Romania to ensure that the Institute was in full compliance with the Paris Principles.[13]

7. The Committee against Torture recommended that Romania allocate adequate resources to ensure the independence of the Office of the Ombudsman, in order to enable it to function effectively in its distinct role as the national preventive mechanism.[14] The Subcommittee for Prevention of Torture made similar observations.[15]

8. The Committee on the Rights of the Child recommended that Romania adopt a draft law on an independent ombudsperson for children's rights.[16]

9. The Special Rapporteur on extreme poverty and human rights noted that Romania needed to devise procedures to ensure the systematic consideration of recommendations by international human rights bodies. The existing system was ad hoc and ineffectual.[17]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[18]

10. The Committee on the Elimination of Discrimination against Women was concerned by stereotypical and sometimes degrading images of women, especially of Roma women, in the media and by the recent resurgence of stereotypical discourse by political figures and religious non-State actors in relation to women's sexual and reproductive health rights.[19]

11. The Committee on the Rights of the Child was concerned that Roma children, children with disabilities, asylum-seeking or refugee children, lesbian, gay, bisexual, transgender and intersex children and children living in remote rural areas continued to face discrimination with regard to access to education, health care and employment, and to their standard of living.[20]

12. The Committee on Economic, Social and Cultural Rights was concerned that Roma continued to experience widespread discrimination and social exclusion, especially as regarded housing, education, health and employment.[21] The Special Rapporteur on extreme poverty stated that the striking poverty among Roma and the inequality between Roma and non-Roma correlated with societal attitudes towards Roma and government (in)action.[22] The Committee against Torture was concerned at the reports of racist hate crimes against Roma, instances of racist hate speech directed against them, and the high incidence of anti-Roma rhetoric and negative stereotypes in public and political discourse.[23]

13. The Committee on Economic, Social and Cultural Rights recommended that Romania, inter alia, continue to address negative prejudices and stereotypes, which were among the underlying causes of the systemic discrimination and social exclusion experienced by Roma.[24] The Special Rapporteur on extreme poverty stated that, because of the depth and scope of past discrimination, special measures to assist Roma were needed in areas such as education, health care, employment and housing.[25] The United Nations Educational, Scientific and Cultural Organization (UNESCO) made similar recommendations.[26]

14. The Committee against Torture recommended that Romania punish hate crimes and condemn all forms of hate speech, in particular that based on racial and discriminatory motives.[27] The Committee on the Elimination of Discrimination against Women recommended that Romania amend its legislation so as to define hate speech as a separate crime.[28]

15. The Special Rapporteur on extreme poverty noted the inequality between urban and rural areas, and that the relative poverty rate was three times higher in rural areas than in urban areas.[29] The Committee on the Rights of the Child recommended that Romania reduce the inequalities between urban and rural areas, and the negative effects of discrimination on access to basic services.[30]

2. Development, the environment, and business and human rights

16. The Committee on Economic, Social and Cultural Rights encouraged Romania to gradually increase its official development assistance with a view to achieving the international commitment of 0.7 per cent of its gross national product, and to pursue a human rights-based approach in its policy on development cooperation.[31]

3. Human rights and counter-terrorism[32]

17. The Committee against Torture encouraged Romania to continue its investigations into the allegations of its involvement in a programme of secret detention centres, and of the use of its airports and airspace by aeroplanes involved in "extraordinary rendition".[33]

B. Civil and political rights

1. Right to life, liberty and security of person[34]

18. The Committee against Torture was concerned at alleged reports of violence by law enforcement officials, including against minors, at the time of arrest, detention and interrogation, which had amounted to ill-treatment and torture and which had been aimed at, among other things, eliciting confessions, some of which had allegedly resulted in death.[35]

19. The same Committee was concerned at the vulnerability of Roma suspects who had been "administratively conveyed" to police stations, with increased risks of ill-treatment and torture, by law enforcement officials, and at the reported excessive use of force by such officials against Roma, including the death in police custody of 26-year-old Gabriel-Daniel Dumitrache, in 2014. According to reports, the police officer had been charged with assault, instead of being charged with torture resulting in death.[36]

20. The same Committee recommended that Romania, inter alia, reiterate at the highest political level its commitment to zero tolerance of the use of violence against persons deprived of their liberty; carry out prompt, impartial and effective investigations into all allegations of the use of violence, including torture and ill-treatment, by law enforcement officials; and prosecute and punish those responsible. It recommended that Romania combat impunity and prevent discriminatory misconduct by the police, and stop the targeted practice of "administratively conveying" Roma to police stations.[37]

21. The same Committee was concerned about the continued use of pretrial and administrative detention in police facilities and arrest centres during criminal prosecution, which could be extended up to 180 days. It was concerned at the continued and prolonged detention of sentenced prisoners in police detention centres.[38]

2. Administration of justice, including impunity, and the rule of law[39]

22. The Committee against Torture recommended that Romania guarantee that all detained persons were afforded, in practice, all the fundamental legal safeguards from the start of their deprivation of liberty, including the right of detainees to be informed about the charges against them and about their rights, in a language that they understood; to have prompt access to a lawyer and, if necessary, to legal aid; to have immediate access to an

independent medical examination, and to have a family member or another person of their own choice notified of their detention.[60]

23. The Subcommittee for Prevention of Torture stated that Romania had made progress in improving the conditions of detention, but that much remained to be done, including reducing overcrowding in prisons and other places in which persons were deprived of their liberty.[61] Likewise, the Committee against Torture was concerned at overcrowding and the poor material conditions in police detention facilities, the increase in the prison population, continued overcrowding, poor prison infrastructure and material conditions, persistent understaffing and the shortage of medical staff.[62]

24. The same Committee was concerned at the use of special intervention units in prisons, the actions of which reportedly often resulted in the ill-treatment of inmates. It was also concerned that prison doctors were required to certify that prisoners sanctioned with disciplinary procedures were fit to undergo punishment.[63] It recommended that Romania, inter alia, put an end to the use of special intervention units in penitentiary facilities, by improving prison management, establishing an independent mechanism to deal with inmates' complaints about their conditions of detention and treatment, and ensuring that inmates who had filed complaints were not subjected to reprisals.[64]

25. The Special Rapporteur on extreme poverty recommended that Romania set up a fully independent body to receive complaints from the victims of police abuse.[65]

3. Prohibition of all forms of slavery[66]

26. The Committee against Torture was concerned that Romania remained a country of origin, transit and destination for human trafficking, in particular for sexual and labour exploitation and forced begging.[67] The ILO Committee of Experts on the Application of Conventions and Recommendations encouraged Romania to pursue its efforts to prevent, suppress and combat human trafficking, and ensure that the objectives of the National Strategy against Trafficking in Persons were achieved.[68] The Committee on the Elimination of Discrimination against Women recommended that Romania adopt a new strategy against human trafficking, which would prioritize measures aimed at improving women's social and economic situation in order to eliminate their vulnerability to trafficking.[69] The Committee against Torture recommended that Romania, inter alia, provide specialized training to public officials on identifying victims and on investigative techniques, and prosecute and sanction perpetrators.[70] The Committee on the Elimination of Discrimination against Women recommended that Romania investigate all reports of the alleged involvement of public officials in human trafficking, and ensure that perpetrators were adequately punished. It recommended that Romania allocate sufficient funds to implement its national referral mechanism, and guarantee the adequate access of victims to shelters and legal, medical and psychosocial assistance.[71]

4. Right to family life

27. The Committee on the Elimination of Discrimination against Women was concerned at reports of unregistered marriages and their adverse impact on women's acquisition of rights during, and on their entitlements upon dissolution of, such unions, especially in the absence of legal recognition of de facto unions, and at the lack of adequate legislative measures to guarantee women's property rights upon divorce.[72]

C. Economic, social and cultural rights[73]

28. The Committee on Economic, Social and Cultural Rights remained concerned about the high levels of corruption, despite the numerous measures that had been taken to combat it, and its impact on the full enjoyment of economic, social and cultural rights by the population. It was concerned that the low salaries of civil servants and health and education personnel, and the lenient penalties applied in cases of corruption might obstruct the effective implementation of those measures.[74]

1. Right to work and to just and favourable conditions of work[55]

29. The Committee on Economic, Social and Cultural Rights was concerned at the low rate of employment, the high level of long-term unemployment, and the persistent high rate of unemployment among young persons, Roma and persons with disabilities.[56]

30. The same Committee was concerned that, despite recent increases, the minimum wage was not sufficient to provide recipients with a decent living.[57]

31. The same Committee was concerned at the reported practice of certain employers who made employment conditional upon the worker agreeing not to create or join a trade union. It recommended that Romania guarantee full protection against acts of anti-union discrimination, including by imposing sufficiently dissuasive sanctions on employers who violated workers' rights to create or join trade unions.[58]

2. Right to social security[59]

32. The Committee on Economic, Social and Cultural Rights was concerned that the resources allocated to social sectors remained inadequate and that the decentralization of social services had led to disparities in the provision of social care.[60] The Special Rapporteur on extreme poverty explained that, despite the decentralization of functions, financing mechanisms remained centralized and that local authorities relied heavily on the central Government to provide financing. The local authorities were often not equipped with adequate resources to fulfil satisfactorily the resulting responsibility.[61]

33. The Special Rapporteur on extreme poverty noted that the social protection system was excessively oriented towards cash benefits, at the expense of social services aimed at early interventions to prevent families from falling into poverty. He reported that there was a lack of social workers and social services, and that the former were underpaid. There was not enough professional training of social workers.[62]

34. The Committee on Economic, Social and Cultural Rights remained concerned that the levels of benefits, such as child allowance, unemployment benefits, the minimum pension and other social assistance benefits, were not sufficient to ensure an adequate standard of living for the recipients and their families.[63]

3. Right to an adequate standard of living[64]

35. The Committee on Economic, Social and Cultural Rights was concerned that the level of poverty remained high and that children, older persons, persons with disabilities and Roma were particularly affected by extreme poverty.[65] The Special Rapporteur on extreme poverty stated that the levels of poverty, social exclusion and material deprivation that children suffered were especially unjustifiable in an upper-middle income country like Romania. He noted that Romania had suffered from a high rate of in-work poverty, which was mostly concentrated in rural areas, mainly in the agriculture sector.[66]

36. The Committee on Economic, Social and Cultural Rights noted with concern that access to safe drinking water was insufficient, particularly in rural areas, in which only one third of the population had access to a centralized drinking water supply. It was concerned at the poor access to adequate sewage and sanitation systems in rural areas and informal settlements, and at deficiencies in sewage treatment. It called upon Romania to ensure universal access to safe drinking water and adequate sewage and sanitation facilities, particularly in rural areas and for the most disadvantaged and marginalized groups.[67]

37. The Special Rapporteur on extreme poverty stated that the number of available units of social housing had been below the level needed, that the number planned until 2020 would also fail to meet demand and there was no national plan to address the chronic shortage. The criteria used, in practice, to allocate the housing available did not privilege the worst off.[68] The Committee on Economic, Social and Cultural Rights was concerned at the absence of a monitoring mechanism to ensure that the allocation of social housing was transparent and non-discriminatory.[69]

4. Right to health[70]

38. The Committee on Economic, Social and Cultural Rights was concerned about the inequalities in terms of access to and quality of health services, especially in rural and remote areas and for disadvantaged and marginalized groups. It was also concerned that the practice of paying non-official fees had persisted.[71] The Special Rapporteur on extreme poverty stated that corruption in the health sector remained rampant.[72]

39. The Committee on Economic, Social and Cultural Rights recommended that Romania ensure de facto access to affordable, good quality and timely health care and medical treatment for all segments of the population. It called on Romania to fight corruption in the health sector so that non-official fees were not collected from patients.[73] The Committee on the Rights of the Child recommended that Romania allocate adequate human and financial resources to ensure full implementation of the National Health Strategy 2014-2020, and of the HIV/AIDS strategy and action plan.[74]

40. The Committee on Economic, Social and Cultural Rights was concerned that Romania had a low life expectancy at birth, and very high infant and maternal mortality rates.[75] The Committee on the Rights of the Child recommended that Romania address the underlying causes of infant, child and maternal mortality.[76]

41. Furthermore, the same Committee recommended that Romania increase the vaccination rate, including by conducting pro-vaccination campaigns and expanding the presence of health assistants to include all towns with low vaccination rates for children.[77]

42. The Committee on Economic, Social and Cultural Rights was concerned at the significant number of teenage pregnancies, the high number of abortions, the limited access to sexual and reproductive health education and services, especially in rural areas, and the limited availability of free contraceptives.[78] The Committee on the Rights of the Child recommended that Romania expand the scope of the National Programme for Sexual and Reproductive Health 2013-2017 to provide comprehensive, age-appropriate education on sexual and reproductive health, and ensure unimpeded access to sexual and reproductive health services.[79] The Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights made similar recommendations.[80]

43. The Committee on the Elimination of Discrimination against Women was concerned at the refusal of health professionals and entire hospitals to perform medical abortions, causing women to seek unsafe and illegal abortions.[81] It recommended that Romania ensure unimpeded and adequate access to legal abortion and post-abortion services to all women, including by ensuring that institutions were precluded by law from raising conscientious objections, defining the permissible grounds for raising such objections by health professionals and guaranteeing mandatory referrals in cases of conscientious objections by health professionals.[82]

5. Right to education[83]

44. The Special Rapporteur on extreme poverty stated that Romania had low levels of public spending on education. The national education budget was insufficient to cover the necessary expenditure, thus transferring much of the burden in a decentralized education system to the local authorities. That had resulted in significant "hidden education costs" for parents, who often ended up paying for school supplies, uniforms and transport because poorer local governments passed those costs on to them. As a result, children living in poverty had a lesser chance of remaining in the school system.[84]

45. UNESCO and the Committee on the Elimination of Discrimination against Women noted the adoption of a national strategy to prevent children from leaving school early.[85] Yet, the Committee on the Elimination of Discrimination against Women was concerned at the high school dropout rates, low learning achievements and the low enrolment in rural areas, and the high dropout and poor performance rates in Roma and economically disadvantaged communities.[86]

46. Taking note of target 4.1 of the Sustainable Development Goals on all girls and boys completing free, equitable and quality primary and secondary education, the Committee on the Rights of the Child recommended that Romania, inter alia, improve the quality of

education and provide quality training for teachers; improve access to quality education in rural areas and for children from poor families; develop programmes with monitoring and evaluation mechanisms to reduce dropout rates; and provide the necessary funding and measures to improve school transportation and eliminate the hidden costs of education.[87] Furthermore, the Committee on Economic, Social and Cultural Rights recommended that Romania increase the budget allocated to education.[88]

D. Rights of specific persons or groups

1. Women[89]

47. The Committee on the Elimination of Discrimination against Women recommended that Romania adopt a legislative package to address all forms of gender-based violence, as well as marital rape, and harmonize national legislation on violence against women with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. It recommended that Romania introduce police protection orders, provide a legal basis for the issuance of emergency police protection orders, introduce ex-officio prosecution for gender-based violence and ensure that cases of gender-based violence against women were under no circumstances addressed under mediation procedures. It also recommended that Romania ensure that victims of gender-based violence had full and barrier-free access to medical and psychological support, safe shelters within a reasonable distance and counselling and rehabilitation services throughout the country.[90]

48. The Committee on the Elimination of Discrimination against Women was concerned that Roma, migrant and rural women, women with disabilities, older women and women living with HIV/AIDS were disproportionately affected by poverty and had limited access to health services, education and employment.[91]

49. The Committee on the Elimination of Discrimination against Women remained concerned at the high rate of unemployment among women, especially in rural areas and among Roma women, and the persistent gender pay gap, despite legislation on equal pay for work of equal value. It was concerned at the unequal division of family responsibilities between women and men, the closure of kindergartens, especially in rural areas, and the disproportionate burden of unpaid care work on women.[92]

50. The same Committee was concerned at the continued low representation of women in Parliament, in the Government and in regional and local governments. It recommended that Romania study the root causes that prevent women from participating in public and political life, and design strategies to overcome such barriers.[93] The Committee on Economic, Social and Cultural Rights recommended that Romania introduce temporary special measures, such as quotas, to promote gender equality.[94]

2. Children[95]

51. The Committee on the Rights of the Child welcomed the adoption of the National Strategy on the Protection and Promotion of Children's Rights 2014-2020 and the National Strategy on Children's and Adolescents' Mental Health 2016-2020.[96]

52. With regard to the widespread practice of de facto child marriages in rural areas, the same Committee recommended that Romania conduct awareness-raising campaigns concerning the negative consequences of such marriages,[97] and amend legislation to remove exceptions that allowed marriage under the age of 18 years.[98] The Committee on the Elimination of Discrimination against Women made similar recommendations.[99]

53. The Committee on the Rights of the Child was concerned at the general tolerance of different forms of violence against children; the limited capacity of the public system to identify, report and address cases of violence, abuse and neglect of children, as well as sexual exploitation and abuse in a cross-sectoral manner; and severe forms of violence that had allegedly taken place in the childcare system, especially towards children with disabilities.[100] It recommended that Romania provide sufficient resources to the mechanisms that had been set up to identify, report, prevent and monitor cases of violence

against and abuse of children in any setting; strengthen programmes for the early identification, recovery and social reintegration of child victims; and investigate such cases in the childcare system and hold the perpetrators accountable.[101]

54. The same Committee recommended that Romania ensure that the prohibition of corporal punishment was properly enforced in all settings, and promote positive, non-violent and participatory forms of child-rearing and discipline through awareness-raising programmes and campaigns.[102]

55. The same Committee urged Romania to enforce existing labour legislation and fully implement the ILO Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182), and to prevent child labour, especially in agriculture, construction and the home.[103]

56. The same Committee urged Romania to prevent child begging in the streets and to ensure that children in street situations received all the support needed, particularly reintegration with their families or placement in alternative care, and were provided with health care, education, access to social services, national identification documentation, safe spaces, support, and prevention and rehabilitation services in relation to drug abuse.[104]

57. The same Committee was concerned about the significant number of children placed in institutional care and children from the most disadvantaged groups who remained at high risk of family separation and institutionalization.[105] It recommended that Romania, inter alia, implement the Deinstitutionalization Plan for Children in Residential Care and Ensuring their Transition to Community-based Care (2016) and put in place a strong monitoring system; expedite placement in family-based care; and strengthen support for children leaving care to enable them to reintegrate into society.[106] It urged Romania to ensure that children who could not be placed with families domestically had access to intercountry adoption.[107]

58. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that the 2016 amendments to the legal framework related to birth registration had simplified procedures in order to reduce the number of children who remained unregistered.[108] While taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee on the Rights of the Child recommended that Romania strengthen community-based services to ensure that all children, including those in rural communities, had access to birth registration without delay.[109]

59. While noting that amendments to the Criminal Code abolished the penalty of imprisonment for minors, the Committee on the Rights of the Child was concerned that numerous children continued to be held in detention centres in prison-like conditions. It was also concerned that children were often questioned by law enforcement officials in police stations without the presence of their lawyers or legal representatives.[110]

60. The same Committee urged Romania to establish more specialized juvenile courts and procedures with adequate resources, to designate specialized judges for children and ensure that they received appropriate training, and ensure the provision of qualified legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings. It urged Romania to promote measures for dealing with children accused of having infringed the penal law without resorting to judicial proceedings and, wherever possible, use alternative measures at sentencing, and to ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it.[111]

3. Persons with disabilities[112]

61. The Committee on the Rights of the Child remained concerned that Romania did not have a human rights-based model for disability and there was no national policy on disability specifically addressing children.[113]

62. The same Committee remained concerned that children with disabilities were placed in specialized institutions.[114] The Special Rapporteur on extreme poverty stated that Romania had high levels of institutionalization of adults with disabilities. While the

deinstitutionalization of persons with disabilities had long been a strategic objective, all too few concrete measures had been taken to realize that goal. He noted that investments continued to be made to renovate and expand existing institutions, rather than building the infrastructure and services necessary to enable persons with disabilities to live independently.[115] The Committee against Torture noted the lack of progress in the transition from institutional care to community-based care and family centres.[116]

63. The same Committee was concerned that patients in mental health institutions lacked legal capacity and that the legal safeguards regarding explicit consent for placement and medical treatment in psychiatric institutions, combined with the absence of official decisions on placement in patients' medical records, was lacking, which amounted to forced institutionalization and forced medical treatment.[117]

64. The same Committee was concerned at the treatment and living conditions of persons with mental disabilities, both adults and minors, in psychiatric wards, psychiatric hospitals and specialized psychiatric institutions, which had reportedly resulted in the deaths of numerous patients owing to neglect, lack of basic care, the use of mechanical restraints, the denial of medical and psychological treatment, and severe malnutrition.[118] It was concerned at the absence of investigations into the reported deaths of 16 patients at Poiana Mare Psychiatric Hospital, of several hundred patients between 2001 and 2004, and of some 2,000 people between January 2011 and August 2014 in institutions for persons with mental disabilities, owing to extremely bad living conditions and inferior medical treatment.[119]

65. The Special Rapporteur on extreme poverty reported that the low level of social benefits for persons with disabilities, combined with inadequate social services, often forced them and their families into poverty. Legislation provided various measures aimed at increasing employment of persons with disabilities, such as a quota and tax incentives for employers to hire persons with disabilities. However, the low percentage of persons with disabilities in employment indicated that those measures were ineffective.[120]

66. The Committee on Economic, Social and Cultural Rights recommended that Romania ensure effective compliance by public and private companies and institutions with the 4 per cent quota for the employment of persons with disabilities, including by providing for dissuasive sanctions for employers in cases of non-compliance.[121]

67. The Special Rapporteur on extreme poverty stated that children with disabilities placed in residential institutions normally attended special schools attached to those institutions. The quality of education in special schools was reportedly poor and not adapted to the individual needs of children with different types of disabilities. Some children with multiple disabilities had reportedly been denied enrolment in special schools.[122] The Committee on the Rights of the Child recommended that Romania set up comprehensive measures to develop inclusive education, and train and assign specialized teachers and professionals in inclusive classes to provide individual support and the necessary attention to children with learning difficulties.[123]

4. Minorities[124]

68. The Committee on Economic, Social and Cultural Rights recommended that Romania create favourable conditions to enable national minorities to express and develop their culture, traditions and customs in their own language, and take additional measures in the field of education to encourage knowledge of the history, traditions and culture of various minority groups, including Roma.[125]

69. The Committee on Economic, Social and Cultural Rights and the Committee against Torture welcomed the adoption of a strategy on the inclusion of Roma (2012-2020) and of sectoral action plans.[126] However, the former Committee was concerned that no baseline study had been conducted to ground the policy measures in accurate data, there was a lack of indicators to assess progress in implementing the strategy, and budget allocations were insufficient for its effective implementation.[127]

70. The same Committee recommended that Romania collect disaggregated statistical data, on the basis of self-identification, on the number of Roma in the country and on their

access to employment, social security, housing, health care and education, with a view to formulating, implementing and monitoring targeted and coordinated programmes and policies aimed at improving their socioeconomic situation.[128] The Committee on the Elimination of Discrimination against Women recommended that Romania allocate adequate funding to implement the strategy on the inclusion of Roma, and expedite the adoption of action plans with clear time-bound targets.[129]

71. The Committee on Economic, Social and Cultural Rights expressed concern at the high percentage of Roma children who had no formal education, the high dropout rates and cases that indicated that the practice of segregating Roma children and children with disabilities persisted in the school system.[130]

72. The same Committee noted with concern the cases of alleged segregation of Roma patients in substandard hospital wards and the negligent treatment of those patients. The decentralization process had led to a decrease in the number of Roma health mediators.[131]

73. The same Committee also noted with concern that Roma tended not to have personal documents, which were necessary to access social insurance, health care and other benefits and which further exacerbated the discrimination against them.[132] The Committee on the Elimination of Discrimination against Women was concerned at the low rates of birth registration of Roma children.[133]

74. The Committee on Economic, Social and Cultural Rights was concerned that the majority of Roma continued to live in substandard housing conditions, without safe drinking water, sanitation facilities, electricity, heating, sewage and waste disposal, and legal security of tenure.[134] It was concerned at cases of forced eviction of Roma from irregular settlements, often without genuine prior consultation and reasonable notice, and at their relocation to unsafe or polluted sites. It was also concerned that Roma were often relocated to segregated areas and about reports that, upon eviction, some families with children were left without adequate alternative housing, compensation and protection.[135] The Special Rapporteur on extreme poverty made similar observations.[136]

75. The same Committee recommended that Romania prevent forced evictions of Roma from taking place until the Roma concerned had been consulted, afforded due process guarantees and provided with alternative accommodation or compensation. It urged Romania to amend its legislation to provide a minimum degree of security of tenure for persons living in informal settlements and to adopt legislation to ensure that evictions were carried out in compliance with international human rights standards.[137] The Special Rapporteur on extreme poverty recommended that Romania amend its legislation on public housing to include Roma as a category of priority beneficiaries in the allocation of social housing.[138]

5. Migrants, refugees and asylum seekers[139]

76. The Committee against Torture was concerned that persons in need of international protection did not have unhindered access to asylum procedures, including determination of refugee status. It was concerned at the reportedly unnecessary detention of asylum seekers, rejected asylum seekers and other aliens.[140] UNHCR was concerned that amendments to the Asylum Law, in 2014 and 2015, and the Aliens Law, in 2015, had extended the grounds on which aliens — including asylum seekers — might be placed or detained in "public custody" or in the so-called "specially arranged closed areas".[141] It was concerned that the detention of families with children was allowed by law and that vulnerable persons might still end up in detention.[142]

77. The Committee against Torture recommended that Romania ensure that all persons applying for international protection had access to a fair refugee determination procedure and were effectively protected against refoulement to countries where they risked torture, refrain from detaining asylum seekers and aliens and promote alternatives to detention.[143] UNHCR recommended that Romania ensure that conditions of detention, in cases in which it was necessary and unavoidable, met international standards, and include a revision of its internal regulations for that purpose.[144]

78. UNHCR recommended that Romania amend its national legislation and improve administrative practices so as to ensure that clear and efficient procedures for assessing and determining the best interests of unaccompanied asylum-seeking children in the asylum context were in place; and modify existing legislation to ensure coherence and compatibility between the provisions in the Asylum Law and Law No. 272/2004, regarding the role and responsibilities of legal representatives (legal guardians) appointed to unaccompanied children.[145]

79. The Committee on the Rights of the Child recommended that Romania consider adopting additional legislation in order to address practical barriers preventing access to education for asylum-seeking and refugee children, such as shortening the time between lodging of an asylum application and school enrolment and increasing the number of hours and quality of language classes.[146]

80. UNHCR noted an increase in the material assistance provided to asylum seekers and new provisions introduced in asylum legislation, in 2015, that allowed, inter alia, asylum seekers to work after three months from the time of their arrival and to maintain that right if they were employed at the time of submitting an application for international protection.[147]

6. Stateless persons[148]

81. UNHCR recommended that Romania amend its Citizenship Law to ensure that all persons born in Romania, who would otherwise be stateless, acquire Romanian nationality, and establish a dedicated procedure to determine statelessness to ensure proper identification and protection of stateless persons.[149]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Romania will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/ROIndex.aspx.
2 For relevant recommendations, see A/HRC/23/5, paras. 124.1-124.12.
3 See CAT/C/ROU/CO/2, para. 22; E/C.12/ROU/CO/3-5, para. 27; CRC/C/ROU/CO/5, para. 46; and CEDAW/C/ROU/CO/7-8, para. 47.
4 See CAT/C/ROU/CO/2, para. 22; E/C.12/ROU/CO/3-5, para. 27; and CRC/C/ROU/CO/5, para. 46.
5 See CAT/C/ROU/CO/2, para. 22; and E/C.12/ROU/CO/3-5, para. 27.
6 See CAT/C/ROU/CO/2, para. 22.
7 See CRC/C/ROU/CO/5, para. 45.
8 See CEDAW/C/ROU/CO/7-8, para. 31.
9 See CAT/C/ROU/CO/2, para. 23.
10 For relevant recommendations, see A/HRC/23/5, paras. 109.18-109.28.
11 See E/C.12/ROU/CO/3-5, para. 6.
12 Ibid.
13 See CEDAW/C/ROU/CO/7-8, paras. 12-13. See also A/HRC/32/31/Add.2, para. 65 (e).
14 See CAT/C/ROU/CO/2, para. 16.
15 See www.ohchr.org/CH/NewsEvents/Pages/DisplayNews.aspx?NewsID=19953.
16 See CRC/C/ROU/CO/5, para. 12. See also A/HRC/32/31/Add.2, para. 62 (c).
17 See A/HRC/32/31/Add.2, para. 65 (g).
18 For relevant recommendations, see A/HRC/23/5, paras. 109.17, 109.39, 109.42-109.48, 109.51, 109.54-109.71 and 109.108.
19 See CEDAW/C/ROU/CO/7-8, para. 16.
20 See CRC/C/ROU/CO/5, para. 16.
21 See E/C.12/ROU/CO/3-5, para. 9.
22 See A/HRC/32/31/Add.2, para. 13.
23 See CAT/C/ROU/CO/2, para. 10. See also CEDAW/C/ROU/CO/7-8, para. 36.
24 See E/C.12/ROU/CO/3-5, para. 9.
25 See A/HRC/32/31/Add.2, para. 60 (b).
26 UNESCO submission for the universal periodic review of Romania, p. 5.
27 See CAT/C/ROU/CO/2, para. 10.
28 See CEDAW/C/ROU/CO/7-8, para. 37.
29 See A/HRC/32/31/Add.2, para. 7. See also CEDAW/C/ROU/CO/7-8, para. 34.
30 See CRC/C/ROU/CO/5, para. 19.
31 See E/C.12/ROU/CO/3-5, para. 25.

[32] For relevant recommendations, see A/HRC/23/5, paras. 109.155-109.157.
[33] See CAT/C/ROU/CO/2, para. 15.
[34] For relevant recommendations, see A/HRC/23/5, paras. 109.75-109.76.
[35] See CAT/C/ROU/CO/2, para. 9. See also A/HRC/32/31/Add.2, para. 24.
[36] See CAT/C/ROU/CO/2, para. 10.
[37] Ibid., paras. 9-10.
[38] Ibid., para. 8.
[39] For relevant recommendations, see A/HRC/23/5, paras. 109.76 and 109.103.
[40] See CAT/C/ROU/CO/2, para. 7.
[41] See www.ohchr.org/CH/NewsEvents/Pages/DisplayNews.aspx?NewsID=19953.
[42] See CAT/C/ROU/CO/2, paras. 8 and 13.
[43] Ibid., para. 13.
[44] Ibid.
[45] See A/HRC/32/31/Add.2, para. 61 (c). See also CAT/C/ROU/CO/2, para. 9.
[46] For relevant recommendations, see A/HRC/23/5, paras. 109.84, 109.88-109.89 and 109.91-109.93.
[47] See CAT/C/ROU/CO/2, para. 11.
[48] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3289277:NO.
[49] See CEDAW/C/ROU/CO/7-8, para. 21.
[50] See CAT/C/ROU/CO/2, para. 11.
[51] See CEDAW/C/ROU/CO/7-8, para. 21. See also CRC/C/ROU/CO/5, para. 43.
[52] See CEDAW/C/ROU/CO/7-8, para. 38.
[53] For relevant recommendations, see A/HRC/23/5, paras. 109.52-109.54.
[54] See E/C.12/ROU/CO/3-5, para. 8.
[55] For the relevant recommendation, see A/HRC/23/5, para. 109.40.
[56] See E/C.12/ROU/CO/3-5, para. 11.
[57] Ibid., para. 13.
[58] Ibid., para. 14.
[59] For relevant recommendations, see A/HRC/23/5, paras. 109.40 and 109.48.
[60] See E/C.12/ROU/CO/3-5, paras. 7 and 16.
[61] See A/HRC/32/31/Add.2, paras. 58-59.
[62] Ibid., paras. 49-51.
[63] See E/C.12/ROU/CO/3-5, para. 15.
[64] For relevant recommendations, see A/HRC/23/5, paras. 109.60-109.61, 109.63 and 109.108-109.109.
[65] See E/C.12/ROU/CO/3-5, para. 17.
[66] See A/HRC/32/31/Add.2, paras. 30-31.
[67] See E/C.12/ROU/CO/3-5, para. 20. See also CEDAW/C/ROU/CO/7-8, para. 34.
[68] See A/HRC/32/31/Add.2, para. 11.
[69] See E/C.12/ROU/CO/3-5, para. 18.
[70] For relevant recommendations, see A/HRC/23/5, paras. 109.110-109.112, 109.114 and 109.65.
[71] See E/C.12/ROU/CO/3-5, para. 21. See also CEDAW/C/ROU/CO/7-8, para. 32.
[72] See A/HRC/32/31/Add.2, para. 10.
[73] See E/C.12/ROU/CO/3-5, para. 21. See also CRC/C/ROU/CO/5, para. 10.
[74] See CRC/C/ROU/CO/5, para. 34.
[75] See E/C.12/ROU/CO/3-5, para. 21. See also CRC/C/ROU/CO/5, para. 33; and A/HRC/32/31/Add.2, para. 10.
[76] See CRC/C/ROU/CO/5, para. 19.
[77] Ibid., para. 34.
[78] See E/C.12/ROU/CO/3-5, para. 22. See also CEDAW/C/ROU/CO/7-8, para. 32; and CRC/C/ROU/CO/5, para. 36.
[79] See CRC/C/ROU/CO/5, para. 36.
[80] See CEDAW/C/ROU/CO/7-8, para. 33; and E/C.12/ROU/CO/3-5, para. 22.
[81] See CEDAW/C/ROU/CO/7-8, para. 32. See also E/C.12/ROU/CO/3-5, para. 22.
[82] See CEDAW/C/ROU/CO/7-8, para. 33.
[83] For relevant recommendations, see A/HRC/23/5, paras. 109.115-109.123.
[84] See A/HRC/32/31/Add.2, paras. 32-33. See also E/C.12/ROU/CO/3-5, para. 23.
[85] UNESCO submission, pp. 4-5, and CEDAW/C/ROU/CO/7-8, para. 26.
[86] See CEDAW/C/ROU/CO/7-8, para. 26. See also E/C.12/ROU/CO/3-5, para. 23.
[87] See CRC/C/ROU/CO/5, para. 38. See also UNESCO submission, p. 5.
[88] See E/C.12/ROU/CO/3-5, para. 23. See also UNESCO submission, p. 5.
[89] For relevant recommendations, see A/HRC/23/5, paras. 109.40 and 109.77-109.78.
[90] See CEDAW/C/ROU/CO/7-8, para. 19.
[91] Ibid., para. 36. See also E/C.12/ROU/CO/3-5, para. 22.
[92] See CEDAW/C/ROU/CO/7-8, para. 28.

[97] See CEDAW/C/ROU/CO/7-8, paras. 24-25. See also E/C.12/ROU/CO/3-5, para. 10.
[98] See E/C.12/ROU/CO/3-5, para. 10.
[99] For relevant recommendations, see A/HRC/23/5, paras. 109.29-109.37, 109.40, 109.69, 109.79-109.82, 109.98-109.100, 109.105 and 109.113.
[100] See CRC/C/ROU/CO/5, para. 3.
[101] Ibid., para. 27.
[102] Ibid., para. 15.
[103] See CEDAW/C/ROU/CO/7-8, para. 17.
[104] See CRC/C/ROU/CO/5, para. 25.
[105] Ibid., para. 26.
[106] Ibid., para. 24.
[107] Ibid., para. 41.
[108] Ibid., paras. 41-42. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3299956:NO.
[109] See CRC/C/ROU/CO/5, para. 28.
[110] Ibid., para. 29.
[111] Ibid., para. 30.
[112] UNHCR submission for the universal periodic review of Romania, p. 2. See also A/HRC/32/31/Add.2, para. 62 (b).
[113] See CRC/C/ROU/CO/5, para. 21. See also CEDAW/C/ROU/CO/7-8, para. 37.
[114] See CAT/C/ROU/CO/2, para. 17.
[115] See CRC/C/ROU/CO/5, para. 44.
[116] For relevant recommendations, see A/HRC/23/5, paras. 109.125-109.131 and 109.40.
[117] See CRC/C/ROU/CO/5, para. 31. See also A/HRC/32/31/Add.2, para. 38.
[118] See CRC/C/ROU/CO/5, para. 31.
[119] See A/HRC/32/31/Add.2, paras. 45-46. See also CEDAW/C/ROU/CO/7-8, para. 36.
[120] See CAT/C/ROU/CO/2, para. 14.
[121] Ibid. See also A/HRC/32/31/Add.2, para. 63 (b).
[122] See CAT/C/ROU/CO/2, para. 14. See also CEDAW/C/ROU/CO/7-8, para. 37.
[123] See CAT/C/ROU/CO/2, para. 14.
[124] See A/HRC/32/31/Add.2, paras. 43-44.
[125] See E/C.12/ROU/CO/3-5, para. 11. See also A/HRC/32/31/Add.2, para. 63 (f).
[126] See A/HRC/32/31/Add.2, para. 42.
[127] See CRC/C/ROU/CO/5, para. 32.
[128] For relevant recommendations, see A/HRC/23/5, paras. 109.38, 109.46-109.47, 109.49-109.53, 109.55-109.63, 109.108-109.109 and 109.133-109.146.
[129] See E/C.12/ROU/CO/3-5, para. 24.
[130] Ibid., para. 9, and CAT/C/ROU/CO/2, para. 6.
[131] See E/C.12/ROU/CO/3-5, para. 9. See also A/HRC/32/31/Add.2, para. 60 (d).
[132] See E/C.12/ROU/CO/3-5, para. 9. See also CRC/C/ROU/CO/5, para. 11, and A/HRC/32/31/Add.2, para. 60 (c).
[133] See CEDAW/C/ROU/CO/7-8, para. 37.
[134] See E/C.12/ROU/CO/3-5, para. 23.
[135] Ibid., para. 21.
[136] Ibid., para. 9.
[137] See CEDAW/C/ROU/CO/7-8, para. 36.
[138] See E/C.12/ROU/CO/3-5, para. 18. See also A/HRC/32/31/Add.2, para. 19.
[139] See E/C.12/ROU/CO/3-5, para. 19.
[140] See A/HRC/32/31/Add.2, para. 22.
[141] See E/C.12/ROU/CO/3-5, para. 19.
[142] See A/HRC/32/31/Add.2, para. 60 (g).
[143] For relevant recommendations, see A/HRC/23/5, paras. 109.147-109.148 and 109.150.
[144] See CAT/C/ROU/CO/2, para. 12.
[145] UNHCR submission, p. 3.
[146] Ibid.
[147] See CAT/C/ROU/CO/2, para. 12.
[148] UNHCR submission, p. 4.
[149] Ibid., p. 5. See also CRC/C/ROU/CO/5, para. 40.
[150] See CRC/C/ROU/CO/5, para. 40.
[151] UNHCR submission, p. 1.
[152] For relevant recommendations, see A/HRC/23/5, paras. 109.105 and 109.149.
[153] UNHCR submission, p. 3. See also CAT/C/ROU/CO/2, para. 12.

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Summary of stakeholders' submissions on Romania*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 14 stakeholders' submissions to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies

2. It was recommended that Romania ratify ICRMW [1] and OP-ICESCR.[2]

B. National human rights framework

3. Joint Submission (JS) 1, JS2 and the Commissioner for Human Rights of the Council of Europe (CoE-Commissioner) noted the re-establishment of the National Authority for the Protection of the Rights of Children and Adoption in 2014.[3] CoE-Commissioner urged the Government to allocate adequate resources to ensure its effective functioning.[4]

4. Furthermore, JS2 reported that Romania did not have an independent institution for the protection of rights of children and youth. A deputy Ombudsman was assigned to coordinate the matters related to rights of the child, youth, family, retirees and persons with disabilities. In 2016, the Parliament rejected a legislative proposal to establish an Ombudsman for the protection of the rights of the child.[5] JS1 recommended establishing an Ombudsman for the rights of the child, in line with three recommendations [6] from the universal periodic review of 2013.[7]

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5. In 2017, CoE-Commissioner welcomed the broad mandate given to the national preventive mechanism, functioning within the Office of the Ombudsman and that it visited a considerable number of residential institutions since 2014.[12]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[13]

6. ACCEPT Association (ACCEPT) recommended adopting a strategy on preventing and combatting discrimination, and annual action plans for its implementation.[14] European Commission against Racism and Intolerance (CoE-ECRI) made a similar recommendation.[15]

7. Save the Children Romania (SCR) stated that Roma children, children from poor families, those living in rural areas, children with disabilities or those who had identified as lesbian, gay, bisexual and transgender (LGBT) persons continued to be discriminated in sectors such as education or health care.[16]

8. Equality and Human Rights Action Centre (ACTEDO) noted that Roma and LGBT+ persons had reportedly been target of hate speech.[17] CoE-Commissioner was concerned about the high incidence of anti-Roma rhetoric in public and political discourse.[18] Pro Regio Siculorum Association (PRS) reported that anti-Hungarian sentiment and hate speech had increased and that social media and news channels were flooded with messages against Hungarian community by politicians and media representatives.[19]

9. ACCEPT stated that hate-crimes remained underreported.[20] The European Union Agency for Fundamental Rights (EU-FRA) noted information, indicating a lack of understanding among police officers regarding what a hate crime is and how to investigate the bias motive of a crime.[21] ACCEPT reported on the lack of comprehensive and systematically collected data on hate-crimes.[22]

10. CoE-Commissioner encouraged the authorities to ensure that hate speech is not tolerated and perpetrators are brought to justice,[23] and to condemn firmly and unequivocally all instances of hate speech and hate crime.[24]

11. CoE-ECRI recommended ensuring that the legislation prohibiting incitement to hatred is applied to all politicians who make racist statements; and introducing legal provisions on the obligation to suppress public financing of organisations, which promote racism and discrimination. It recommended introducing a code of conduct in Parliament, which regulate and sanction, inter alia, any racist discourse made by members of parliament.[25]

12. CoE-Commissioner urged Romania to pay particular attention to the recording of hate speech and hate crimes.[26] Likewise, CoE-ECRI recommended, in 2014, devising a comprehensive data-collection system on the application of criminal law provisions against racism and racial discrimination. Such a system should record the number of investigations opened by the police, the cases referred to the prosecutor, the number of cases pending before the courts and their final decisions.[27] In 2017, CoE-ECRI observed that there was still no such a comprehensive data collection system available.[28]

13. EU-FRA stated that the 2011 Civil Code prohibited same-sex partnership and marriage and prohibited the recognition of such partnership and marriages concluded in other countries.[29] Despite this, ACCEP and ACTEDO reported on an initiative to hold a referendum in order to amend the Constitution to specify the legal definition of family as a marriage between a man and women.[30] ACTEDO noted a high level of intolerance displayed towards LGBT+ persons by many public figures during the referendum campaign.[31]

14. ACCEPT stated that gender identity was not explicitly included in the list of criteria of non-discrimination and that the rights of transgender people remained largely ignored by

the authorities.[32] There were no official medical protocols and training for professionals on providing healthcare services for transgender persons and very few psychologists and medical professionals were available to provide such services. Medical interventions were not covered by the public healthcare insurance. The legislation on name change obliged transgender persons to go through court procedures. In the absence of clear regulations and laws, the courts issued contradictory interpretation of the law on aspects of gender-affirming surgery.[33]

2. Civil and political rights

Right to life, liberty and security of person[34]

15. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) repeated its recommendation that law enforcement personnel should be reminded that any form of ill-treatment is an offence and will be punished accordingly. It also noted that, during an arrest, police officers should not use more force than is strictly necessary and that there can be no justification for rough treatment of a person who is already under restraint. It also repeated its recommendation to the authorities that they should convey a clear message to all prison staff, particularly members of rapid response groups, in all prisons, that ill-treatment of prisoners is an offence and will be punished accordingly.[35]

16. CoE-Commissioner urged Romania to ensure that all allegations of ill-treatment committed by law enforcement officers are promptly and effectively investigated and that adequate, dissuasive penalties are imposed on those committing such acts.[36]

17. CoE-CPT recommended that, in the procedure for non-voluntary hospitalization, the psychiatrist who admitted the patient should not sit on the special commission responsible for approving the non-voluntary hospitalization.[37] It recommended that all patients (or, if they do not have legal capacity, their legal representative) should be systematically informed of their status and the treatment they have been prescribed and that doctors should always seek the patient's consent before beginning any treatment. Furthermore, CoE-CPT recommended that measures should be taken to ensure that a clear distinction is made in the law between the procedure for non-voluntary placement and treatment without consent.[38]

18. ACTEDO stated that adequate specialised services to victims of physical or sexual violence were underdeveloped and that they were denied access to shelters, which were guaranteed only to victims of domestic violence.[39]

19. It noted that despite existing legislation on domestic violence, programmes and services to prevent and combat domestic violence were scarce and poorly funded.[40]

20. ACTEDO recommended designing and implementing a national strategy on gender-based violence, amending the law on domestic violence to expand its scope to all forms of gender-based violence and ensuring its effective implementation.[41]

Administration of justice, including impunity and the rule of law[42]

21. CoE-CPT reiterated its recommendation to the authorities that all persons deprived of their liberty by the police have the right to inform a friend or relative or a third party of their situation as soon as they are deprived of their liberty. Exercise of that right may be subject to certain exceptions intended to protect the legitimate interests of the police enquiry, on the condition that such exceptions are clearly defined in law and backed up with appropriate safeguards.[43] CoE-CPT also recommended that the authorities should ensure that such persons may hold confidential discussions with a lawyer, as provided for in Romanian law.[44]

22. CoE-CPT called on the authorities to take measures to ensure that any new arrival in police detention facilities is given a medical check by a health professional in the detention facilities infirmary as soon as possible, and within a maximum of 24 hours of admission, in conditions that guarantee respect for medical secrecy.[45]

23. CoE-CPT recommended that the authorities should redouble their efforts to draw up a policy that places emphasis on non-custodial sentences and alternatives to imprisonment.[40]

24. ACTED0 noted that several recommendations[41] from the universal periodic review called on Romania to ensure the access to justice for vulnerable groups. It stated that little had been done to address the obstacles to access to justice faced by vulnerable groups. Romania had a low budget for legal aid. Victims of discrimination often did not qualify for legal aid. Alternative forms of legal assistance such as pro bono lawyering were discouraged and practiced on a very limited scale.[42] It recommended that Romania design and implement a national strategy on access to justice, targeting vulnerable groups, increase the annual budget allocated to legal aid and establish legal information centres in each county. It recommended removing any restrictions to the practice of non-state legal aid schemes, such as pro bono lawyering and university legal clinics.[43]

25. CoE-ECRI recommended setting up an independent mechanism for dealing with complaints against the police.[44] CoE-Commissioner made a similar recommendation in 2014 and in 2016.[45]

Fundamental freedoms[46]

26. CoE-ECRI recommended amending the law on religious freedom to ease the requirements, which religious associations needed to meet in order to be recognised as a religious denomination or a religious association.[47]

Prohibition of all forms of slavery[48]

27. The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (CoE-CP) and the Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) noted steps taken by Romania, inter alia, to develop the legislation for combating human trafficking, to provide training in human trafficking to relevant professionals, to raise general awareness of human trafficking and to prevent trafficking in children.[49]

28. CoE-CP and CoE-GRETA recommended that Romania intensify its efforts to prevent trafficking for the purpose of labour exploitation and trafficking in children, to improve the timely identification of victims of human trafficking and to provide assistance to them, to improve the identification of an assistance to child victims of trafficking and to guarantee access to compensation to victims of human trafficking.[50]

29. CoE-GRETA welcomed the high rate of convictions of human trafficking and considered that Romania should continue to take measures to ensure that human trafficking cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions, including in cases in which the perpetrators were public officials.[51] The authorities should protect victims and witnesses of human trafficking and prevent intimidation during the investigation and during and after the court proceedings.[52]

3. Economic, social and cultural rights

Right to health[53]

30. JS3 reported on an increase in the number of persons with HIV among vulnerable groups. The national HIV program has not been actively implementing the new approaches on HIV prevention and has not targeted MSM (men having sex with men). The drug procurement scheme based on a decentralized system led to inconsistencies and gaps, affecting access to treatment and health care of patients who were covered by antiretroviral treatment.[54] The national drug strategy for 2013-2020 lacked financial support and operational plans to scale up HIV/AIDS prevention interventions by targeting people who injected drugs. The harm reduction interventions were mainly based on external donors.[55]

31. JS3 stated that health care units refused to treat women living with HIV for obstetrics and gynaecological needs, leading to cases when patients did not receive

adequate medical treatment, resorted to self-medication or unsafe abortion, were subject to discrimination and did not declare their HIV status when accessing healthcare services. Cases of discrimination against persons living with HIV in healthcare services remained unpunished and undocumented.[62]

32. JS3 recommended adopting the national strategy on HIV/AIDS and allocating an adequate budget for its implementation, ensuring the provision of information and training of medical personnel on HIV and the rights of patients with HIV, and adopting legislation that allows HIV testing without parental consent below 18 years of age.[63] It recommended strengthening access to opioid substitution treatment, scaling up the methadone maintenance treatment, and increasing and subsidizing the needle and syringe programs.[64]

33. ACTEDO noted the high rate of teenage pregnancy and the absence of a national strategy on reproductive health.[65] JS3 stated that parental consent for accessing sexual and reproductive health care services were legally required until 16 years old, but in practice, health care providers required parental consent until 18 years old.[66] It recommended adopting a national strategy on sexual and reproductive health and rights and preventing teenage pregnancy and ensuring services to support teenage mothers.[67]

Right to education[68]

34. The National Student's Council (CNE) noted the low amount of public funding in education system, particularly insufficient funding in school infrastructure, teaching materials and in training for teachers. It referred to studies, showing that a large portion of the public expenses to education had been directed to the wealthiest parts of society.[69] CNE reported on the problem of early school leaving.[70] SCR concluded that faced with an increasing rate of school dropout, a high number of children out of school and an inadequate financing of public education, Romania must take measures to guarantee access to free of charge and high quality education to all children.[71]

35. ACTEDO stated that sexual education had not been part of the compulsory school curricula.[72] JS3 explained that health education subject in school curriculum included some elements of sexual education. This subject remained, however, optional depending on the decision of a school. Biology teachers, who had no training on sexual education, taught this subject.[73] JS3 recommended introducing a mandatory comprehensive sexual and reproductive health education in schools and ensuring that sexuality education is evidence-based, gender sensitive and non-discriminatory.[74] JS2 recommended developing teachers training courses on education for sexual and reproductive health and creating opportunities in formal education settings for specialized NGOs to promote sexual and reproductive health.[75]

36. ACTEDO recommended designing and implementing a human rights education in schools.[76]

4. Rights of specific persons or groups

Children[77]

37. SCR referred to studies, indicating verbal and physical abuses against children, including as a pedagogical method used in schools. Physical abuse occurred more often against children living in rural areas, against boys and against Roma children.[78] CoE-Commissioner stated that children in institutions were reported to suffer from physical and emotional neglect, corporal punishment and the use of unlawful restraints.[79]

38. JS1 noted an increase in incidents of sexual abuse against children and of sexual exploitation of children. Children had been increasingly at risk of being subject to online child sexual exploitation and child pornography.[80] JS1 reported on legal amendments made to combat child sexual exploitation. Penalties had increased for sexual assault and rape for victims who were younger than 18 (previously 16) years old. The use of child prostitution was explicitly criminalised. The Penal Code was amended to introduce definition for child pornography.[81] However, JS1 reported on a lack of specialised services and support for child victims of sexual exploitation.[82]

39. JS1 recommended inter alia providing tailored recovery and reintegration services for child victims of sexual exploitation, and including the issue of child sexual exploitation in the training curriculum for relevant professionals to strengthen their capacities in identifying child victims of sexual exploitation.[83]

40. JS1 reported on persisting problem of early child marriages.[84] It recommended developing information campaigns on the risks and criminal penalties related to early marriages or sexual exploitation of children.[85]

41. CoE-Commissioner was concerned about the high number of abandoned children, some 80 000 of whom were left behind by migrant parents working abroad.[86] He called on Romania to prevent the separation of children from their families, support the reintegration of such children in their families and provide alternative care where this is in the best interest of the child.[87]

42. CoE-Commissioner was concerned about the situation of street children, who were affected by social exclusion, violence and abuse.[88] He noted that no public funds were allocated for a more integrated protection of street children.[89] CoE-Commissioner urged Romania to ensure that street children have effective access to education, health services, shelter and food.[90]

43. CoE-GRETA considered that the authorities should continue taking steps to ensure that all children were registered at birth.[91]

44. In 2014, CoE-Commissioner noted with concern the institutionalisation of a large number of children, including children with disabilities, the inadequacy of the care provided to them in such institutions, and the lack of transition programmes to adulthood.[92] In 2017, CoE-Commissioner welcomed the fact that the number of children institutionalised dropped in due to the continuous efforts of the authorities to develop alternative, family-type services. He encouraged Romania to pursue this policy to which adequate resources should be allocated.[93]

45. SCR and EU-FRA reported on a high percentage of children at risk of poverty or social exclusion.[94] EU-FRA noted an anti-poverty package, which was launched in 2016 in the framework of the implementation of a national strategy on poverty reduction for 2015-2020.[95]

46. SCR reported on a high rate of infant mortality and of mortality of children under 5. It noted a decrease in access to vaccination. Health care, including primary medical care, was less accessible to children from rural areas.[96]

47. JS2 reported on the lack of access of youth to employment. It stated that internship experience became a standard requirement for young people to be able to get a job, but they were inaccessible for many young people because those programmes were usually unpaid.[97] EU-FRA noted recommendations from the European Commission to Romania to address the implementation of the Youth Guaranteed scheme, which aims at ensuring that people under 25 years of age have a good-quality job offer and were in continued education or have an apprenticeship of traineeship within four months of leaving school or becoming unemployed.[98]

48. CoE-Commissioner welcomed the abolition of the penalty of imprisonment for minors. However, he noted with concern the continued presence of children in prisons or in prison-like conditions, with no adequate access to education.[99]

49. JS1 reported on the lack of support and on the risk of revictimization of child victims involved in judicial procedures.[100] EU-FRA reported on a lack of child-friendly environment in courts. A specialised court existed only in Brasov, while the legislation provided for the establishment of specialised courts countrywide.[101]

Persons with disabilities[102]

50. Centre for Legal Resources (CLR) stated that the number of persons with disabilities in social care centres had increased.[103] In 2014 and 2017, CoE-Commissioner made similar observations.[104] He reported that many persons with disabilities were living in medical institutions, mostly in psychiatric hospitals.[105]

51. CoE-Commissioner noted reports concerning the inadequate living conditions, social marginalisation and ill-treatment faced by persons with disabilities in institutions and the lack of access to justice for them.[106] He referred to the official statistics, showing a high number of persons with disabilities who died in recent years in institutions under the Ministry of Health.[107]

52. In 2017, CoE-Commissioner welcomed the adoption of a strategy for deinstitutionalisation of persons with disabilities living in large and old institutions for 2016-2018.[108] He called on the authorities to close down old-type residential institutions and to allocate adequate resources for the development of community-based alternatives.[109] CLR made similar recommendations.[110]

53. Furthermore, CoE-Commissioner stated that all allegations of unlawful acts committed against persons living in institutions must be promptly and effectively investigated and those responsible should be brought to justice.[111] He urged Romania to improve domestic legislation and to introduce practical measures in order to ensure the effective access of persons with disabilities to all legal proceedings concerning them.[112] CLR recommended investigating the circumstances which led to the deaths of persons with disabilities, placed in social care centres and in psychiatric hospitals, and preventing such cases.[113]

54. CoE-Commissioner noted the number of barriers to independent living faced by persons with disabilities, including the lack of alternatives to institutional care and the poor accessibility of public space and services. Persons with disabilities continued suffering from a high rate of unemployment and faced difficulties in accessing the labour market on an equal basis with others.[114]

55. CoE-Commissioner urged Romania to ensure that the physical environment and services, including transportation are accessible and effectively available to persons with disabilities on an equal basis with others, and to ensure the effective access of persons with disabilities to the public and private labour market and to encourage the employment of persons with disabilities.[115] He called on the authorities to address societal prejudices against persons with disabilities and to promote an inclusive environment conducive to the full integration of persons with disabilities in society.[116]

56. CoE-Commissioner noted with concern that persons with disabilities might be fully deprived of legal capacity and of a series of rights including the right to vote and to be elected.[117] CoE-Commissioner noted that deprivation of legal capacity was subject to safeguards, including the obligation of the court to hear the concerned person. However, there were concerns expressed about the practice of some courts to sometimes omit the hearing of the concerned persons.[118]

57. CoE-Commissioner noted reports, indicating that despite potential conflicts of interest, heads of institutions were often appointed as guardians of persons living in institutions. The legal representation of persons with disabilities was inadequate, with no guardian being appointed, or with conflicts of interests arising between the guardian and the concerned persons.[119] CLR made similar observations.[120]

58. CoE-Commissioner called on the authorities to review domestic legislation in light of Article 12 of CRPD, in order to establish a single system recognising the right of persons with disabilities to enjoy legal capacity on an equal basis with others in all aspects of life. He urged Romania to develop laws and policies to replace the regime of substituted decision-making with supported decision-making and to ensure that persons with disabilities are recognised as persons with equal standing in courts and can effectively challenge any interference with their right to legal capacity.[121]

59. CoE-Commissioner noted that a large share of children with disabilities were educated according to special programmes, in special or mainstream schools and the low levels of accessibility of higher education institutions to them.[122] He noted the reported practice of mainstream schools refusing the enrolment of children with disabilities, and some cases of children with disabilities, who had been ill-treated by their educators and peers.[123] CoE-Commissioner urged Romania to promote inclusive education, to establish ambitious targets for the transfer of children with disabilities from special to mainstream

education, and to ensure the accessibility of all education institutions to persons with disabilities.[124]

Minorities[125]

60. CoE-ECRI stated that the law on national minorities had not yet been adopted.[126]

61. The 2016 report of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR) indicated that each recognized national minority was entitled to one seat in the Chamber of Deputies, which was not subject to the five percent threshold.[127] However, CoE-ECRI noted that the five percent threshold set for the eligibility of candidates in local elections could hinder the ability of national/ethnic minorities to elect their representatives.[128]

62. JS4 stated that the implementation of provisions of the law on public administration, requiring the use of minority languages to indicate the names of localities in minority communities with over 20 percent representation, had been unsatisfactory. Local authorities often interpreted the threshold requirement in a restrictive manner.[129] The law also regulated the use of minority languages in relation with administrative authorities and stipulated that the minority representatives could submit applications and receive a reply in their language in communities with 20 percent representation. However, the relevant provisions of the law were rarely implemented.[130]

63. CoE-ECRI explained that the Hungarian community remained the largest minority and represented 6 percent of the population.[131] PRS considered that the legally guaranteed rights of members of the Hungarian minority had been violated in recent years.[132] JS4 stated that in many areas traditionally inhabited by members of the Hungarian community with substantial representation, street names remained monolingual or partially bilingual.[133] PRS reported on lawsuits against various local councils where the Hungarian community constituted 75 per cent of the total population for putting up inscriptions that read "Községháza" ("Town hall" in Hungarian). The courts ordered the inscriptions to be removed.[134] Additionally, PRS reported on persecution for the use of symbols and identity markers of the Hungarian community and lawsuits against Hungarian mayors and local councils for putting up the Szekler flag on buildings of the local administration. It stated that after several court rulings, it was forbidden to raise the flag on institutions or anywhere outside.[135] CoE-ECRI made similar observations.[136]

64. PRS stated that in the municipalities where Hungarian population constituted a majority, not all local council resolutions were translated into Hungarian. Official forms were often not available in Hungarian. PRS noted the lack of bilingualism in the judiciary.[137]

65. JS4 reported that the authorities had consistently tried to restrict the right of peacefully assembly of the Hungarian speaking Szekler community, particularly through prior restraint on and sanctions and penalties imposed during/after their annual event, the Day of Szekler Freedom.[138] PRS made simillar observations.[139]

66. JS4 recommended inter alia amending relevant legislation to ensure its full compliance with the obligations stemming from the ratified treaties on the rights of minorities and ensuring full implementation of the law on public administration.[140] In particular, CoE-ECRI recommended ensuring that the principle of equal treatment is applied as concerns the display and use of national and regional symbols and to remedy any breach thereof.[141] JS4 recommended guaranteeing the right of freedom of assembly of minorities without discrimination; and particularly ensuring that the rights of participants and organisers of the Day of Szekler Freedom are not unduly restricted.[142]

67. JS4 reported on several challenges that children belonging to minorities faced in accessing education in their mother tongue.[143] SRP explained that the national school curriculum was modified to allow Hungarian children to study Romanian as a foreign language, instead of studying it as their mother tongue. However, this only applied to pupils at the elementary school level.[144] JS4 stated that in many Hungarian-language high schools, vocational subjects were still taught in Romanian due to shortage of teachers able to teach in Hungarian.[145]

68. JS4 recommended ensuring equal access to education of minorities by inter alia removing any physical or financial barriers in accessing education in minority language, and to technical and vocational education in the minority language.[146] It recommended ensuring that minority pupils learn Romanian language as a second language from kindergarten to high school based on a separate curriculum addressing their language needs.[147]

69. JS4 referred to findings of a research, indicating that most history textbooks omitted the role of minorities in the history of Romania and strengthened existing stereotypes. The textbooks failed to offer a fair representation of religious diversity.[148] It recommended revising the curricula and history textbooks to ensure that diversity of cultures and perspective of minorities are reflected and that stereotypes and prejudices are eliminated.[149] CoE-ECRI made similar recommendations.[150]

70. CoE-Commissioner noted with concern the fact that over 70 percent of Roma lived below the poverty line, while only around 35 percent of them were employed.[151]

71. CoE-Commissioner was concerned about the dire housing situation of Roma. A lack of basic amenities, overcrowded spaces, segregation and a high risk of eviction characterised the housing situation of many Roma.[152] ACTEDO stated that the forced evictions of members of the Roma had become a common practice. Without access to basic utilities and services, and running water, evicted persons remained in a situation of poverty and social exclusion. National law did not regulate how local municipalities should conduct evictions.[153]

72. CoE-Commissioner stated that many Roma communities continued to deal with the impact of forced evictions and residential segregation, which often led to their inability to secure identification documents and to access health care, schools and the labour market.[154] ACTEDO reported that the legislation on public housing mandated local authorities to establish the criteria for allocating social housing, which resulted in an uneven practice that most often excluded vulnerable groups. The procedure to apply for social housing was highly bureaucratic and based on identification documents that many Roma did not have. Additionally, social housing was scarce.[155]

73. CoE-Commissioner called on Romania to commit to legislative changes to prevent unlawful forced evictions of Roma, to reintroduce a statute of limitations for the demolition of unauthorised housing, to introduce a remedy with automatic suspensive effect against forced evictions allowing for a full review of proportionality and to curb forced evictions.[156] ACTEDO[157] and CoE-ECRI[158] made similar recommendations. ACTEDO recommended increasing the annual budget allocation for social housing and amending the law on public housing to establish a clear national framework of social housing that prioritize vulnerable groups, including Roma.[159]

74. CoE-Commissioner stated that despite progress in the inclusion of Roma children in the education system, a high percentage of Roma remained with no formal education and the early dropout rates of Roma children were significantly higher than the average national rates.[160] Although segregation and a hostile environment were important factors pushing Roma children to abandon school, CoE-Commissioner noted that extreme poverty was the main reason for early dropout.[161] CoE-ECRI stated that a definition of segregation in education was not included in the 2011 law on education.[162] CoE-Commissioner urged Romania to enhance the inclusion in the school system of Roma children. The authorities should make better use of Roma school mediators.[163]

75. CoE-Commissioner welcomed the adoption of the strategy for Roma inclusion for 2012-2020 and the setting up of an inter-ministerial working group to coordinate the implementation of this strategy. However, he was concerned about the existing structural impediments to its implementation.[164] CoE-Commissioner called on Romania to allocate sufficient funding for the implementation of the strategy, to strengthen its implementation mechanism at central level, and to ensure the accountability of local authorities in implementing the strategy.[165] In 2014, CoE-ECRI made similar recommendations.[166] In 2017, CoE-ECRI commended several initiatives of the Government to ensure sufficient funds and to give impetus to the Strategy. However, it observed that there was no

mechanism in place to guarantee the accountability of local authorities to the central authorities in implementing the Strategy.[167]

76. CoE-Commissioner reiterated the importance of introducing a system for collecting disaggregated ethnicity data, with due respect for the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group.[168]

77. CoE-ECRI stated that the pace of restitution had been slow and a considerable number of religious property restitution cases remained unsolved.[169] PRS noted unresolved cases of confiscated property during the communist regime from the Greek Catholic Church and from Hungarian churches. Moreover, several properties that were returned back, had been renationalised.[170] CoE-ECRI recommended that the authorities give a strong impulse to the resolution of the claims related to the restitution of property to religious and national/ethnic minorities and take a leading role in resolving the property disputes between the Orthodox and Greek Catholic Church.[171]

Migrants, refugees and asylum seekers[172]

78. CoE-ECRI recommended ensuring that the integration programmes entered into by refugees and persons who have been granted other forms of protection are fully implemented and that the effective exercise of the right to employment and access to housing be facilitated through specific measures targeting, inter alia, employers and the housing sector.[173]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society
Individual submissions:

ACTEDO	Equality and Human Rights Action Centre, Cluj-Napoca (Romania);
ACCEPT	ACCEPT Association, Bucharest (Romania);
ADF International	Alliance Defending Freedom International (Geneva) Switzerland;
CLR	Centre for Legal Resources, Bucharest, Romania;
CNE	National Student's Council, Romania;
SCR	Save the Children, Bucharest, (Romania);
PRS	Pro Regio Siculorum Association, Sfântu Gheorghe, Romania.

Joint submissions:

JS1	**Joint submission 1 submitted by**: Save the Children Romania, Bucharest (Romania) and ECPAT International (with 95 network members operating in 86 countries);
JS2	**Joint submission 2 submitted by**: Romania Youth Council (Romania) and the European Youth Forum (Belgium);
JS3	**Joint submission 3 submitted by**: The Romanian Angel Appeal Foundation, ACCEPT Association, The Romanian Association against AIDS, Carusel Association, The Association for Supporting MDR-TB Patients, ECPI-Euroregional Centre for Public Initiatives, The Baylor Black Sea Foundation, Save the Children Romania, The National Union of Organisations of People Living with HIV/AIDS, Romanian Harm Reduction Network and Center for Health Policies and Services (Romania);
JS4	**Joint submission 4 submitted by**: Advocacy Group Freedom of Identity, Civic Engagement Movement and Szekler National Council (Romania).

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France). **Attachments** (CoE-Commissioner) Report by Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Romania from 31 March to 4 April 2014, Strasbourg, CommDH (2014) 14; (CoE-Commissioner Letter 2016) Letter of the Commissioner for Human Rights to the Prime Minister of Romania, 23 June 2016, Strasbourg; (CoE-Commissioner Letter 2016) Letter of the Commissioner for Human Rights to the Prime Minister of Romania, 23 June 2016, Strasbourg; (CoE-Commissioner Letter 2017) Letter of the Commissioner for Human Rights to the Prime Minister of Romania, 16 March 2017, Strasbourg; (CoE-ECRI) European Commission against Racism and Intolerance report on Romania, adopted on 19 March 2014, CRI (2014) 19; (CoE-ECRI Conclusions) European Commission against Racism and Intolerance's conclusions on the implementation of the recommendations in respect of Romania subject to interim follow-up, adopted on 24 March 2017, CRI (2017) 23; (CoE-GRETA) — Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania, Second Evaluation Round, Strasbourg, adopted on 8 July, 2016, GRETA (2016)20; (CoE-CP) Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Huma Beings, Recommendation CP (2016) 11on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania, November 2017; CoE-CPT-Rapport au Gouvernement de la Roumanie relatif à la visite effectuée en Roumanie par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants du 5 au 17 juin 2014, Strasbourg, le 24 septembre 2015.
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria).
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw, Poland. **Attachment** (OSCE/ODIHR Report Parliamentary Elections Report 2012) OSCE/ODIHR Needs Assessment Mission Report 27-29 September, Parliamentary Elections on 11 December, 2016, Warsaw, 31 October, 2016.

[2] The following abbreviations are used in UPR documents:

OP-ICESCR	Optional Protocol to International Covenant on Economic, Social and Cultural Rights;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities.

[3] For relevant recommendations see A/HRC/23/5, paras. 109.2, 109.4-109.10.

[4] CoE-ECRI, para. 5.

[5] JS2, para. 19.

[6] For relevant recommendations see A/HRC/23/5, paras. 109.23-109.26, 109.28.

[7] JS1, para. 16, JS2, para. 3 and CoE-Commission, p. 4.

[8] CoE-Commissioner, p. 4 and 157. See also JS1, p. 6.

[9] JS2, paras. 4 and 5. See also JS1, para. 18 and CoE-Commissioner, para. 153.

[81] For the full text of the recommendations see A/HRC/23/5, paras. 109.23-109.25.
[82] JS1, p. 6.
[83] CoE-Commissioner Letter 2017, p. 3.
[84] For relevant recommendations see A/HRC/23/5, paras. 109.17, 109.39, 109.42-109.48, 109.50, 109.54-109.71.
[85] ACCEPT, para. 7.
[86] CoE-ECRI, Para. 69.
[87] SCR, para. 1. See also ACCEPT, para. 12 and ACTEDO, para. 21.
[88] ACTEDO, para. 23. See also SCR, para. 7.
[89] CoE-Commissioner, p. 4 and paras. 185 and 166. See also CoE-ECRI, p. 10 and EU-FRA, p. 12.
[90] PRS, para. 26.
[91] ACCEPT, para. 15.
[92] EU-FRA, p. 13.
[93] ACCEPT, para. 3.
[94] CoE-Commissioner, para. 219. See also ACCEPT, para. 16.
[95] CoE-Commissioner, p. 4. See also para. 185.
[96] CoE-ECRI, paras. 95-96.
[97] CoE-Commissioner, p. 5. See also CoE-Commissioner Letter 2016, p. 3, and ACCEPT, para. 9.
[98] CoE-ECRI, para. 41.
[99] CoE-ECRI Conclusions, p. 5.
[100] EU-FRA, p. 17.
[101] ACCEPT, para. 3 and ACTEDO para. 23. See also ADF International, paras. 9-13.
[102] ACTEDO, para. 23. See also ACCEPT, para. 3.
[103] ACCEPT, para. 13. See also EU-FRA, p. 14.
[104] ACCEPT, para. 13.
[105] For relevant recommendations see A/HRC/23/5, paras. 109. 37, 109.75, 109.77, 109.78.
[106] CoE-CPT, paras. 15 and 52.
[107] CoE-Commissioner, p. 5. See also CoE-Commissioner Letter 2016, p. 2.
[108] CoE-CPT, para. 149.
[109] CoE-CPT, para. 152.
[110] ACTEDO, para. 9.
[111] ACTEDO, para. 11.
[112] ACTEDO, para. 15.
[113] For relevant recommendations see A/HRC/23/5, paras. 109.40, 109.46, 109.76, 109.77, 109.91 and 109.103.
[114] CoE-CPT, para. 23.
[115] CoE-CPT, para. 25.
[116] CoE-CPT, para. 18.
[117] CoE-CPT, para. 43.
[118] For the full text of the recommendations see A/HRC/23/5, para. 109. 46, 109. 77 and 109.91.
[119] ACTEDO, paras. 1-5.
[120] ACTEDO, para. 7. See also CoE-ECRI, para. 53.
[121] CoE-ECRI, para. 189.
[122] CoE-Commissioner, p. 5. See also CoE-Commissioner Letter 2016, p. 2.
[123] For relevant recommendations see A/HRC/23/5, paras. 109.58 and 109. 107.
[124] CoE-ECRI, para. 12.
[125] For relevant recommendations see A/HRC/23/5, paras. 109.84, 109.88, 109.89, 109.91-109.93.
[126] CoE-CP, paras. 1 and CoE-GRETA, paras. 214, 217, 218 and 220.
[127] CoE-CP, para. 2 and CoE-GRETA, pp. 45-46.
[128] CoE-GRETA, p. 49 and para. 189.
[129] CoE-GRETA, p. 49 and para. 197.
[130] For relevant recommendations see A/HRC/23/5, paras. 109. 45, 109.48, 109.56, 109.65, 109. 110-109. 111.
[131] JS3, para. 3.
[132] JS3, para. 5.
[133] JS3, para. 3.
[134] JS3, para. 4.
[135] JS3, para. 6.
[136] ACTEDO, para. 14. See also JS1, para. 6 and JS2, paras. 9 and 11.
[137] JS3, para. 7.
[138] JS3, para. 3. See also JS2, para. 12 and ACTEDO, para. 15.
[139] For relevant recommendations see A/HRC/23/5, paras. 109. 112, 109. 115-109.124.
[140] CNE, p. 1.

[70] CSO, p. 2.
[71] SCR, para. 3.
[72] ACTEDO, para. 14; JS2, paras. 9-11 and JS3, para. 7.
[73] JS3, para. 9. See also JS2, paras. 9 and 10.
[74] JS3, paras. 8 and 10. See also ACTEDO, para. 15.
[75] JS2, para. 12.
[76] ACTEDO, para. 7.
[77] For relevant recommendations see A/HRC/23/5, paras. 109.29-109.35, 109.60, 109.66, 109.79-109.82, 109.98-109.100, 109.105, 109.113, 109.114.
[78] SCR, para. 23.
[79] Col-Commissioner, para. 118; Col-Commissioner Letter 2017, p. 2 and EU-FRA, p. 14.
[80] JS1, paras. 9 and 13.
[81] JS1, para. 15.
[82] JS1, para. 22.
[83] JS1, p. 6.
[84] JS1, para. 14.
[85] JS1, p. 6.
[86] Col-Commissioner, p. 3. See also paras. 96-100.
[87] Col-Commissioner, para. 110 and pp. 3-4.
[88] Col-Commissioner, p. 3. See also paras. 101-106.
[89] Col-Commissioner, para. 107.
[90] Col-Commissioner, para. 111 and pp. 3-4.
[91] Col-GRETA, p. 47 and para. 70.
[92] Col-Commissioner, p. 4. See also paras. 113-117.
[93] Col-Commissioner Letter 2017, p. 2.
[94] SCR, para. 12 and EU-FRA, para. 5, p. 5 and para. 5, p. 7.
[95] EU-FRA, para. 2.
[96] SCR, paras. 26, 30 and 31.
[97] JS2, paras. 15 and 16.
[98] EU-FRA, para. 1, p. 6.
[99] Col-Commissioner, p. 4, see also paras. 141 and 142.
[100] JS1, para. 23. See also EU-FRA, p. 9.
[101] EU-FRA, p. 9.
[102] For relevant recommendations see A/HRC/23/5, paras. 109.125-109.131 and 109.40.
[103] CER, p. 2.
[104] Col-Commissioner, p. 3 and Col-Commissioner Letter 2017, p. 2.
[105] Col-Commissioner Letter 2017, p. 2.
[106] Col-Commissioner, p. 3. See also Col-Commissioner Letter 2017, p. 1.
[107] Col-Commissioner Letter 2017, p. 2. See also CER, pp. 3-4.
[108] Col-Commissioner Letter 2017, p. 2.
[109] Col-Commissioner, para. 41. See also Col-Commissioner Letter 2017, p. 2.
[110] CER, p. 8.
[111] Col-Commissioner, p. 3 and para. 38. See also Col-Commissioner Letter 2017, p. 1.
[112] Col-Commissioner, p. 3 and para. 39.
[113] CER, p. 8.
[114] Col-Commissioner, p. 3. See also paras. 26-31.
[115] Col-Commissioner, paras. 42 and 43.
[116] Col-Commissioner, para. 44.
[117] Col-Commissioner, p. 3. See also paras. 45-47.
[118] Col-Commissioner, para. 48.
[119] Col-Commissioner, para. 48 and 22. See also Col-CPT, paras. 153-154.
[120] CER, p. 7.
[121] Col-Commissioner, paras. 53-55 and p. 3. See also CER, p. 8.
[122] Col-Commissioner, p. 3. See also SCR, para. 5.
[123] Col-Commissioner, para. 66.
[124] Col-Commissioner, p. 3.
[125] For relevant recommendations see A/HRC/23/5, paras. 109.38, 109.44, 109.46, 109.47, 109.49-109.53, 109.55-109.58, 109.60-109.65, 109.74, 109.106, 109.108, 109.109, 109.133-109.146, 109.151.
[126] Col-ECRI, p. 9.
[127] OSCE/ODIHR Report 2016, pp. 3-4.
[128] Col-ECRI, p. 9.
[129] JS4, paras. 2-3.

[130] JS4, para. 8.
[131] Col-I-UCRI, para. 166.
[132] PRN, para. 27.
[133] JS4, para. 4.
[134] PRN, para. 7.
[135] PRN, para. 17.
[136] Col-I-UCRI, para. 168.
[137] SRN, paras. 3 and 4.
[138] JS4, para. 30.
[139] PRN, 22-24.
[140] JS4, p. 14. See also PRN, para. 27.
[141] Col-I-UCRI, para. 170.
[142] JS4, p. 14.
[143] JS4, paras. 11-17.
[144] PRN, para. 10.
[145] JS4, para. 17.
[146] JS4, p. 14.
[147] JS4, p. 14.
[148] JS4, para. 24. See also PRN, para. 11.
[149] JS4, p. 14.
[150] Col-I-UCRI, paras. 195-196.
[151] Col-Commissioner, p. 4. See also OSCE-ODIHR, p. 3.
[152] Col-Commissioner, para. 187 and p. 4. See also paras. 173 and OSCE-ODIHR, p. 3.
[153] ACTED3, paras. 16-18.
[154] Col-Commissioner, para. 174.
[155] ACTED3, para. 16.
[156] Col-Commissioner Letter, 2016, p. 1.
[157] ACTED3, para. 19.
[158] Col-I-UCRI, para. 145.
[159] ACTED3, para. 19. See also Col-I-UCRI, para. 143.
[160] Col-Commissioner, p. 4. See also NCR, para. 6.
[161] Col-Commissioner, para. 176.
[162] Col-I-UCRI, para. 82.
[163] Col-Commissioner, p. 4.
[164] Col-Commissioner, p. 5. See also Col-I-UCRI, paras. 108-109.
[165] Col-Commissioner, p. 5.
[166] Col-I-UCRI, para. 110.
[167] Col-I-UCRI Conclusions, p. 6.
[168] Col-Commissioner, para. 221.
[169] Col-I-UCRI, para. 19.
[170] PRN, para. 20.
[171] Col-I-UCRI, paras. 21 and 25.
[172] For relevant recommendations see A/HRC/23/9, paras. 109.147, 109.148, 109.150.
[173] Col-I-UCRI, para. 176.